



**Update on DMC/Port Heiden - ENFORCEMENT SENSITIVE**

**Dave Bartus** to: Scott Downey

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Scott: Interestingly enough, I got a call from Winston Lue, who is the permit writer for DMC no more than a couple of minutes before I intended to call him.

Winston passed on a couple of thoughts on past activities at Port Heiden. I had not realized this previously, but apparently DMC was conducting both soil washing, and chemical dechlorination processes at Port Heiden. EPA's RD&D approval and on-site presence was specific to the chemical dechlorination process (using DMC's 'magic sauce,' as it is referred to). Winston suggested that we look at what happened to water from the chemical dechlorination process. Apparently, Winston has some analytical data that documents that the water was NOT decontaminated to 0.5 parts per billion before discharge that he is willing to share with us. These sorts of data would seem to give us a *prima facie* case that DMC illegally disposed of PCBs. Seems to me that look at water discharges from the chemical dechlorination process would nicely compliment an enforcement response to the placement of >50 ppm soils in the local Port Heiden landfill, which is currently being remediated.

Winston and I also discussed what may have happened with the soil washing process. Since a written authorization is not necessary for soil washing (40 CFR 761.61(a) provides authorization for soil washing), EPA did not oversee the soil washing process at Port Heiden. Winston said he "assumed" that the extract from soil washing (the waste stream containing PCBs washed from the soil) would have been shipped off-site for incineration. We both acknowledged, however, that making much in the way of assumptions concerning DMC operations at Port Heiden is probably not very defensible. It may make sense to figure out how wastes from the soil washing process were managed.

Dave